




J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

TOTAL PROTECTION SERVICES CAROLINAS, LLC CASE NO. 14-30846
EIN 20-1251765 (Chapter 7)

Debtor

EDWARD P. BOWERS, TRUSTEE

Plaintiff.

vs.

Adversary Proceeding
No. 16-03068

THE STATE OF NORTH CAROLINA

Defendant

ORDER AUTHORIZING SETTLEMENT OF ADVERSARY PROCEEDING

THIS CAUSE, coming on to be heard and being heard before the undersigned Judge of the United States Bankruptcy Court for the Western District of North Carolina, upon the Trustee's Motion for Authority to Settle Adversary Proceeding and it appearing to the Court that there has been adequate Notice and a Hearing as that phrase is defined in the Bankruptcy Code and the Rules of Bankruptcy Procedure. From the Motion filed by the Trustee herein, as well as the entire record, the Court makes the following:

FINDINGS OF FACT

1. That an Adversary Proceeding has been filed in this case as follows:

Compliant for the avoidance of a transfer to the North Carolina Department of Revenue for the benefit of The

State of North Carolina in the sum of \$9,716.00.

2. That a proposed settlement of said adversary proceeding has been negotiated as follows:

The State of North Carolina has filed a priority tax claim in this case of \$14,596.81. In return for the Plaintiff dismissing the subject Adversary Proceeding with prejudice, The State of North Carolina by and through the North Carolina Department of Revenue has agreed to withdraw its priority tax claim in the sum of \$14,596.81. Notwithstanding its withdrawal of the priority tax claim in this case, The State of North Carolina, through the North Carolina Department of Revenue, is expressly allowed to pursue any claims pursuant to N.C.G.S. §§105-239.1 or 105-242.2, which it may now have or which may subsequently arise, against any individual or entity (excepting only the debtor, the debtor's estate, and the Trustee) for any taxes and related interests and penalties for which the debtor was initially responsible.

3. The plaintiff believes that the proposed settlement of said Adversary Proceeding as set forth above is in the best interest of the estate.

CONCLUSIONS OF LAW

The proposed settlement of the subject Adversary Proceeding is in the best interest of the estate and the Trustee should be authorized to settle said adversary proceeding as set forth in the Findings of Fact.

IT IS THEREFORE ORDERED that the Trustee be, and he hereby is, authorized to settle the subject Adversary Proceeding under the terms and conditions set forth in the Findings of Fact.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court